

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
SOUNDVIEW HOME LOAN TRUST
2006-OPT1, ASSET-BACKED
CERTIFICATES, SERIES 2006-OPT1,**

Plaintiff,

v.

**ANNETTE F. CHANDLER-NEWTON,
GONZALEZ FINANCIAL HOLDINGS,
INC., aka GFH, INCORPORATED**

Defendants.

Civil Action No. 4:22-cv-00120-P

PLAINTIFF’S MOTION TO ABATE ACTION

Plaintiff Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT1, Asset-Backed Certificates, Series 2006-OPT1 (“Deutsche” and “Plaintiff”) files this its *Motion to Abate Action*, and respectfully shows as follows:

I.

1. Plaintiff filed its *Original Complaint* on February 15, 2022 (the “Complaint”) against Defendant Annette F. Chandler-Newton (the “Defendant”) seeking a declaratory judgment allowing non-judicial foreclosure of the real property commonly known as 8524 Crestview Drive, North Richland Hills, Texas 76182. (ECF Docket No. 1).

2. On March 29, 2022, Plaintiff filed its *Motion for Default Judgment* against Defendant because she did not file a responsive pleading within 21 days after service of the Complaint. *See* FED. R. CIV. P. 12(a)(1)(A)(i) (ECF Document No. 11).

3. However, the undersigned has been recently informed that there is ongoing active loss mitigation on the subject mortgage loan. As a result, Plaintiff is prohibited from moving forward with default judgment in this action, under current CFPB regulations. *See* 12 CFR §1024.41(g).

4. Plaintiff therefore respectfully requests that this suit and all upcoming deadlines, settings and **rulings** be abated for a period of, at least, ninety (90) days to allow sufficient time to allow time for the loss mitigation procedures to be concluded. In the event that the loss mitigation procedures do not conclude successfully, then Plaintiff shall immediately reinstate the case in order for the Court to rule on the pending Motion for Default Judgment which would dispose the entire case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court abate this action and all upcoming settings, deadlines and rulings for at least, ninety (90) days and for such other relief to which it may be justly entitled.

Respectfully submitted,

By: /s/ Vivian N. Lopez
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that I have been unable to conference with the Defendant in this matter, as she has failed to appear in this case.

/s/ Vivian N. Lopez
VIVIAN N. LOPEZ

CERTIFICATE OF SERVICE

The undersigned certifies that on April 6, 2022, a true and correct copy of the foregoing document was delivered to the following in the manner indicated:

Via U.S. Mail:
Annette F. Chandler-Newton
8524 Crestview Drive
North Richland Hills, Texas 76182

/s/ Vivian N. Lopez
VIVIAN N. LOPEZ